

REMARKS

In the final Office Action dated September 23, 2003, the Examiner rejected claims 1-5 and 7-23 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,864,867 to Krusche et al. (Krusche).

By this amendment, Applicants propose amending claims 1-4, 7, 8, 10-12, 14, 15, 17-19, 21, and 24, canceling claims 5, 13, 20, 22, and 23, and adding new claims 25-32. After this Amendment After Final is entered, claims 1-4, 7-12, 14-19, 21, and 24-32 will be pending.

Amended claim 1 recites a combination of elements including, among other things:

setting a fast access tree to refer to a first one of the plurality of linked-lists;

setting a general access tree to refer to a second one and a third one of the plurality of linked-lists, wherein a size of a memory block referred to by the first linked-list is larger than a size of a memory block referred to by the second linked-list and smaller than a size of a memory block referred to by the third linked-list.

Krusche discloses using a static tree management structure "RIT" and "sub-trees." See Abstract and col. 9, lines 55-65. Krusche also discloses a second access structure (LBA) and a third access structure (RBA), but these structures are not "tree" structures. See col. 8, line 40, to col. 9, line 24. Krusche does not disclose a fast access tree and a general access tree, much less a general access tree wherein "a size of a memory block referred to by the first linked-list is larger than a size of a memory block referred to by the second linked-list and smaller than a size of a memory block referred to by the third linked-list," as recited in amended claim 1.

In order to anticipate a claim, a reference must disclose each and every element of the claim. Krusche fails to disclose each and every element of amended claim 1, and therefore cannot anticipate the claim. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 1 under § 102(b).

Claims 2-4 and 24 depend on claim 1 and include all the limitations thereof. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1-4 and 24 under § 102(b).

Although amended claims 7, 8, and 17 are of different scope than each other and different scope than amended claim 1, they all contain recitations similar to that quoted above from amended claim 1. For example, amended claim 7 recites a combination of elements including, among other things, "setting a general access tree to refer to a second one and a third one of the plurality of linked-lists, wherein a size of a memory block referred to by the first linked-list is larger than a size of a memory block referred to by the second linked-list and smaller than a size of a memory block referred to by the third linked-list." Amended claim 8 recites a combination of elements including, among other things, "set[ting] the general access tree to refer to a second one and a third one of the plurality of linked-lists, wherein a size of a memory block referred to by the first linked-list is larger than a size of a memory block referred to by the second linked-list and smaller than a size of a memory block referred to by the third linked-list." And, amended claim 17 recites a combination of elements including, among other things, "setting a general access tree to refer to a second one and a third one of the plurality of linked-lists, wherein a size of a memory block referred to by the first linked-list is larger than a size of a memory block referred to by the second linked-list and smaller than a

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size of a memory block referred to by the third linked-list." Krusche fails to disclose at least these limitations of amended claims 7, 8, and 17.

Thus, Krusche fails to anticipate amended claims 7, 8, and 17 for at least the same reason explained above in connection with claim 1. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 7, 8, and 17 under § 102(b).

Claims 9-12 and 14-16 depend on claim 8 and include all the limitations thereof. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 9-12 and 14-16 under § 102(b). Claims 18, 19, and 21 depend on claim 17 and include all the limitations thereof. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 18, 19, and 21 under § 102(b).

Applicants believe that the proposed new claims 25-32 are patentable over the cited art.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-4, 7-12, 14-19, 21, and 24 in condition for allowance. Applicants submit that the proposed amendments of claims 1-4, 7, 8, 10-12, 14, 15, 17-19, 21, and 24, and new claims 25-32 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

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Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Attachments: Five (5) sheets of drawings.

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